

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE LUIS TORRES AKA BORGIA
CASTILLON AVELINO,

Petitioner,

-against-

JEHOVA PUTIN, et al.,

Respondents.

21-CV-4076 (LTS)

TRANSFER ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner, who is currently incarcerated in the Kern Valley State Prison in California, brings this *pro se* petition for a writ of *habeas corpus* seeking to be released from custody. It is unclear if Petitioner challenges a state-court conviction, in which case a petition for a writ of *habeas corpus* under 28 U.S.C. § 2254 is the proper vehicle for his claims, or if he seeks release from detention under 28 U.S.C. § 2241. Petitioner does plead any facts about where he was convicted. Because Petitioner is seeking to be released from the custody of prison officials in Kern County, California, which is located in the Eastern District of California, 28 U.S.C. § 84(b), this action is transferred under Local Rule 83.3 to the United States District Court for the Eastern District of California.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket. The Clerk of Court is further directed to transfer this action to the United States District Court for the Eastern District of California. Whether Petitioner should be permitted to proceed further without payment of fees is a determination to be made by the transferee court. This order closes this case.

Because Petitioner has not at this time made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue under 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: May 10, 2021
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge